

STATE OF NEW JERSEY
HAZARDOUS WASTE FACILITIES SITING COMMISSION

CODE OF ETHICS

The New Jersey Hazardous Waste Facilities Siting Commission ("Siting Commission") is a public body corporate and politic established in the Executive Branch of State Government for the purpose of insuring the proper planning and siting of new major hazardous waste facilities in the State. In enacting the Major Hazardous Waste Facilities Siting Act, N.J.S.A. 13:1E-49 et seq., the Legislature found the proper treatment, storage or disposal of hazardous waste generated in this State to be the exception rather than the rule and that ensuring the proper treatment, storage or disposal of hazardous waste to be a public purpose in the best interest of all citizens of this State and that the only way to accomplish this purpose is to provide for the siting, design, construction, operation and use of environmentally accepted major hazardous waste facilities. In order to ensure that the siting of new major hazardous waste facilities is done in a balanced and informed fashion, the Siting Commission was established to have a voting membership comprised of three representatives each of county or municipal government, industry and environmental or public interest organizations.

The New Jersey Conflicts of Interest Law ("Conflicts Law"), N.J.S.A. 52:13D-12 et seq., contains the following legislative findings,

"To ensure propriety and preserve public confidence, persons serving in government should have the benefit of specific standards to guide their conduct and of some disciplinary mechanism to ensure the uniform maintenance of those standards amongst them."
[N.J.S.A. 52:13D-12(b)].

Therefore, to guide and govern the conduct of members, employees and agents of the Hazardous Waste Facilities Siting Commission, the following Code of Ethics is hereby adopted. In adopting this Code of Ethics as provided by the New Jersey Conflicts Law at N.J.S.A. 52:13D-23, it is expressly recognized that citizens who serve in government cannot and should not be expected to be without any personal interest in the decisions and policies of government, that citizens who are government officials and employees have a right to private interests of a personal, financial and economic nature, and that standards of conduct should separate those conflicts which are unavoidable in a free society from those which are substantial and material, or which bring government into disrepute.

I. Definitions

As used in this Code of Ethics, and unless a different meaning clearly appears from the context, the following terms shall have the following meaning:

a. "Siting Commission" means the Hazardous Waste Facilities Siting Commission.

b. "Commission member" means a member of the Hazardous Waste Facilities Siting Commission appointed by the Governor pursuant to N.J.S.A. 13:1E-52.

c. "Employee" means any person holding permanent, regular employment with the Hazardous Waste Facilities Siting Commission and who is a State employee as defined by the New Jersey Conflicts Law.

d. "Agent" means any consultant or other independent contractor retained by the Siting Commission and any employee of such consultant or independent contractor.

e. "Member of the immediate family" of a person means the person's spouse, child, parent, or sibling residing in the same household.

II. Standards

1. No Commission member or employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, which is in substantial conflict with the proper discharge for his or her duties in the public interest.

2. No Commissioner or employee shall engage in any particular business, profession, trade or occupation which is subject to licensing or regulation by a specific agency of State Government, including those relating to the proper treatment, storage, or disposal of hazardous waste, without promptly filing notice of such activity with the New Jersey Executive Commission on Ethical Standards.

3. No Commission member or employee shall use or attempt to use his or her official position to secure unwarranted privileges or advantages for himself or herself or others.

4. No Commission member, officer, employee or agent of the Commission shall take any official action relating to Commission business on any matter in which he or she has a direct or indirect financial interest. Any Commission action taken or approval granted in violation of this provision is voidable. Any person who knowingly violates this provision shall forfeit his or her office or employment and shall be subject to such other sanctions as are provided by law.

5. No Commission member or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to impair his or her objectivity and independence of judgment in the exercise of his or her official duties.

6. No Commission member or employee shall accept from any person, whether directly or indirectly, by himself or herself or through another, any gift, favor, service, or other thing of value under circumstances from which it might be reasonably inferred that such gift, favor, service, or other thing of value was given or offered for the purpose of influencing him or her in the discharge of his or her official duties and responsibilities. No Commission member or employee shall solicit, receive or agree to receive, whether directly or indirectly, any compensation, reward, employment, gift or other thing of value from any source other than the State of New Jersey, for any service, advice, assistance or other matter related to his or her official duties, except reasonable fees for speeches or published works on matters within his or her official duties and except, in connection therewith, reimbursement of actual expenditures for travel and reasonable subsistence for which no payment or reimbursement is made by the State of New Jersey. This section shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office.

7. No Commission member or employee shall knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of his or her acts that he or she may be engaged in conduct violative of his or her trust as a Commission member or employee

8. No Commission member or employee shall willfully disclose to any other person, whether or not for pecuniary gain, any information not generally available to the members of the public which he or she receives or acquires in the course of and by reason of his or her official duties. No Commission member or employee shall use for the purpose of pecuniary gain, whether directly or indirectly, any information not generally available to members of the public which he or she receives or acquires in the course of and by reason of his or her official duties.

9. No Commission member or employee shall knowingly himself, or by his partners or through any corporation which he controls or in which he owns or controls more than 10 percent of the stock, or by any other person for his use or benefit or on his account, undertake or execute, in whole or in part, any contract, agreement, sale or purchase of the value of \$25.00 or more, made, entered into, awarded or granted by any State agency. Provided, however, that the provisions of this section shall not apply to (a) purchases, contracts, agreements or sales which are made or let after public notice and competitive bidding or which, pursuant to P.L. 1944, c. 48 §5(C. 52:34-10), may be made, negotiated or awarded without public advertising or bids or (b) any contract of insurance entered into by the Director of the Division of Purchase and Property pursuant to P L. 1944, c. 112, art. 6, §10 (C. 52:27B-62), if such purchases, contracts or agreements, including change orders and amendments thereto, shall receive prior approval of the Executive Commission on Ethical Standards if a Commission member or employee has an interest therein which would otherwise be forbidden by this section. No Commission member or employee shall act as officer or agent for a State agency for the transaction of any business with himself or with a corporation, company, association or firm in the pecuniary profits of which he has an interest (except that ownership or control of 10 percent or less of the stock of a corporation shall not be deemed an interest within the meaning of this section).

10. No Commission member or employee shall represent, appear for or negotiate on behalf of, or agree to represent, appear for, or negotiate on behalf of, whether by himself or through any partnership, firm or corporation in which he or she has an interest or by any partner, officer or employee of any such partnership, firm or corporation any person or party other than the State in any negotiations for the acquisition or sale by the State or a State agency of any interest in real or tangible or intangible personal property, or in any proceedings relative to such acquisition or sale before a condemnation commission or court; provided, however, nothing contained in this section shall be deemed to prohibit any person from representing himself or herself in negotiations or proceedings concerning his or her own interest in real property.

11. a) No Commission employee, nor any partnership, firm or corporation in which he has an interest, nor any partner, officer or employee of any such partnership, firm or corporation, shall represent, appear for, or negotiate on behalf of, or agree to represent, appear for or negotiate on behalf of, any person or party other than the State in connection with any cause, proceeding, application or other matter pending before the Siting Commission.

b) No Commission employee, nor any partnership, firm or corporation in which he has an interest, nor any partner, officer or employee of any such partnership, firm or corporation, shall represent, appear for or negotiate on behalf of, or agree to represent, appear for, or negotiate on behalf of, any person or party other

than the State in connection with any cause, proceeding, application or other matter pending before any State agency; provided, however, this subsection shall not be deemed to prohibit a member of the Legislature from making any inquiry for information on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the member of the Legislature, whether directly or indirectly nor shall anything contain herein be deemed to prohibit any such partnership, firm or corporation from appearing on its own behalf.

c) Nothing contained in this section shall be deemed to prohibit any Commission member or employee from representing, appearing for or negotiating on behalf of, or agreeing to represent, appear for, or negotiate on behalf of, any person or party other than the State in connection with any proceeding pending before any court of record of this State, any proceeding in regard to a claim for compensation arising under chapter 15 of Title 34 of the Revised Statutes (Worker's Compensation), any proceeding in connection with the determination or review of transfer inheritance or estate taxes, any proceeding in connection with the filing or corporate or other documents in the Office of the Secretary of State, any proceeding before the Division of Civil Rights, the New Jersey State Board of Mediation or the New Jersey Public Employment Relations Commission, the Unsatisfied Claim and Judgment Fund Board solely for the purpose of filing a notice of intention pursuant to P.L. 1952, c. 174, s. 5 (C. 39:6-65), or any successor thereof or any proceeding on behalf of a county, municipality or school district, or any authority, agency or commission of any thereof except where the State is an adverse party in the proceeding and provided he or she is not holding any office or employment in the State agency in which any such proceeding is pending.

12. No Commission member or employee, subsequent to the termination of his office or employment with the Siting Commission, shall represent, appear for or negotiate on behalf of, or agree to represent, appear for, or negotiate on behalf of, whether by himself or through any partnership, firm or corporation in which he has an interest or through any partner, officer or employee thereof, any person or party other than the State in connection with any cause, proceeding, or application or other matter with respect to which he or she shall have made any investigation, rendered any ruling, given any opinion, or been otherwise substantially, and directly involved at any time during the course of his or her office or employment with the Siting Commission.

13. a) No Commission employee, nor any member of his or her immediate family, nor any partnership, firm or corporation with which he or she is associated or in which he or she has an interest, nor any partner, officer, director or employee while he or she is associated with such partnership, firm, or corporation, shall hold, directly or indirectly, an interest in, or hold employment with, or represent, appear for, or negotiate on behalf of, any holder of, or applicant for, a casino license, or any holding or intermediary company with respect thereto, in connection with any cause, application, or matter. No Commission member shall hold, directly or indirectly, an interest in, or hold employment with, or represent, appear for, or negotiate on behalf of any holder of, or applicant for, a casino license, or any holding or intermediary company with respect thereto, in connection with any cause, application or matter.

b) No Commission employee subject to financial disclosure by law or executive order nor any member of his or her immediate family, nor any partnership, firm or corporation with which he or she is associated or in which he or she has an interest, nor any partner, officer, director or employee while he or she is associated with such partnership, firm or corporation, shall, within two years next subsequent to the termination of his or her office or employment with the Siting Commission hold, directly or indirectly, an interest in or hold employment with, or represent, appear for or negotiate on behalf of, any

holder of, or applicant for, a casino license in connection with any cause, application or matter, or any holding or intermediary company with respect to such holder of, or applicant for, a casino license in connection with any phase of casino development, permitting, licensure or other matter whatsoever related to casino activity.

c) No Commission member or employee shall solicit or accept, directly or indirectly, any complimentary service or discount from any casino applicant or licensee which he or she knows or has reason to know is other than a service or discount that is offered to members of the general public in like circumstance.

d) No Commission member or employee subject to financial disclosure by law or executive order shall influence, or attempt to influence, by use of his or her official authority, any aspect of any proceeding involving casino licensure or enforcement of statutes and regulations concerning casino activity. Provided, however, that nothing in this section shall be deemed to proscribe a request for information by any person concerning the status for any application or licensure or any proceeding to enforce the provisions of statutes and regulations concerning casino activity.

14. It is the policy of the Siting Commission that its members, employees, and agents disclose to the Commission any actual or potential conflict between their personal interests and the interests of the Commission. Questionnaires making such disclosure in compliance with this policy shall be filed by all members and employees with the Chairman annually on a date to be fixed by him or her. Such disclosure shall be filed by the Chairman with the Executive Director on an annual basis on a date fixed by a majority of the other members of the Commission. It shall be the continuing responsibility of each member and employee to promptly report to the Chairman any activity or interest which might or might be supposed to involve an actual or potential conflict of interest. Such interest shall include but be deemed not limited to:

a. Any interest of any Commission member or employee or any member of his or her immediate family, as defined above, in any entity or organization which the Commission member or employee knows is transacting or is seeking to transact any business with the Commission, including any application or proposal before the Commission for its action, or with any hazardous waste facility with respect to which the Commission is acting or any interest in any transaction with any such organization.

b. Any interest of any Commission member or employee or any member of his or her immediate family, as defined above, in any organization which the Commission member or employee knows is in business competition with any applicant which is before the Commission in any capacity in the Hazardous Waste Facilities Siting process.

c. Any interest of any Commission member or employee or any member of his or her immediate family, as defined above, in any entity which is involved in whole or in part, in the business of generation, transportation, disposal, recovery and recycling of hazardous wastes.

d. Any interest of any Commission member or employee, or his or her immediate family, as defined above, in any entity which supplies or is seeking to supply goods or services to any government Which collects the cross receipts tax provided for by the Siting Act, N.J.S.A. 13:1E-80, or which government is party to a contract subject to review by the Commission.

For the purposes of the foregoing paragraphs a, b, c and d, ownership of securities of a publicly owned enterprise which transacts or seeks to transact business with the Commission, or competes with any applicant as aforesaid, need not be reported, unless the Commission member or employee and all members of his or her immediate family own in the aggregate either:

i. One percent or more of any class of securities of such a publicly owned enterprise; or

ii. Securities having an aggregate market value which is or constitutes more than one percent of the assets of said corporation or \$10,000, whichever is lesser, owned by a Commission member or employee and members of his or her immediate family as defined above. For purposes of this provision, the holdings of a commission member or "employee or his or her immediate family, as defined above, shall be aggregated. For purposes of this provision, a "publicly owned enterprise" means a corporation whose shares are listed on the securities exchange or a corporation whose shares are frequently traded in the over-the-counter market.

15. Any Commission member or employee may, if he or she so desires, seek an opinion from the Executive Commission on Ethical Standards when it is uncertain whether a proposed outside interest or activity would conflict with the established guidelines contained herein or would require disclosure pursuant to this Code on ethical standards.

16. Nothing in this Code shall alter or impair restrictions on the conduct of Commission members, employees, or agents of the Commission imposed by the Siting Act, the Conflicts Law, or any applicable statute.

Frank J. Dodd, Chairman

Ann Auerbach, Member

Stephen Capestro, Member

Roy T. Gottesman, Member

John J. Heinz, Member

Thomas Leane, Member

Gordon Millsbaugh, Member

George Polzer, Member

Maxwell Weiss, Member